

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.272 of 2022

Janaki Rana

....

Petitioner

Mr.Sanjib Kumar Bhanjadeo, Advocate
Versus

Trilochana Behera

....

Opp. Party

CORAM:
JUSTICE SAVITRI RATHO

ORDER
02.08.2022

Order No.

01. This matter is taken up by hybrid mode.
2. This application has been filed by the petitioner-wife under Section 24 of C.P.C. for transfer of C.P. No. 120 of 2022 filed by the opp. party-husband under Section-9 of the Hindu Marriage Act, 1955 pending in the Court of learned Judge, Family Court, Kendrapara, to the Court of learned Judge, Family Court, Jajpur.
3. Learned counsel for the petitioner submits that after a few months of marriage, the opposite party and other family members started torturing the petitioner and tried to kill her for which she came away to the house of her parents in Jajpur. On 13.02.2020, she has given birth to a female child at Jajpur and the opposite party has neither come to see the child nor provide any financial or physical help to the petitioner at the Hospital. As the opposite party is not paying anything to the petitioner for her maintenance, she has filed Cr.P. Case No. 109 of 2020 under Section 125 Cr.P.C. in the Court of learned Judge, Family Court, Jajpur and the opposite party has appeared in the case and efforts for conciliation failed. The petitioner has stated before the Court that she is not interested to join the

company of the petitioner as stated so in the conciliation proceedings and this has also been mentioned by the opposite party in his application in C.P. No. 120 of 2022 at paragraph 2(e). In spite of being aware of that, the opposite party has filed C.P. No. 120 of 2022 under Section-9 of the Hindu Marriage Act, 1955 for restitution of conjugal right, only to harass the petitioner. The petitioner is a helpless lady with no source of income and she and her small child are entirely dependent with the parents of the petitioner, for which it is not possible for her to go to Kendrapara to contest the case.

4. Considering the nature of proceedings under Section 9 of the Hindu Marriage Act, it is not necessary that the petitioner has to remain personally present in Kendrapara to contest the case. Transferring the proceeding to Jajpur will also result in delay in disposal of the case and some inconvenience to the opp party-husband. So instead of transferring the proceeding, directions can be issued to obviate the inconvenience which the petitioner is likely to face if she has to go to Jajpur to contest the proceeding. I, therefore, direct that the petitioner shall be permitted to file her response in C.P. No. 120 of 2022 by way of an affidavit through her counsel or sent through Speed Post with A.D or Registered Post with A.D. addressed to the Court of the learned Judge, Family Court, Kendrapara giving her contact number therein within a period of three weeks from today, alongwith a copy of this order. As she has expressed her refusal to join the company of her husband, the learned Judge, Family Court, Kendrapara shall conclude the proceeding as expeditiously as possible preferably within one or two dates without insisting on the appearance of the wife. In the event the petitioner- wife expresses her intention to

appear personally, she shall be granted sufficient time to appear in the case and if any travelling expenses are claimed by her , the learned Judge Family Court, Kendrapara shall consider her prayer and fix an amount in accordance with law and direct the husband to deposit the amount so that it can be released in favour of the petitioner – wife on her appearance.

5. The TRP (C) is disposed of with the aforesaid directions.
6. Urgent certified copy of this order be granted as per rules.
7. A copy of this order be sent to the Court of the learned Judge, family Court, Kendrapara by the Registry, at the earliest.

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